

## REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

Claims 18-21 have been formally renumbered as requested by the examiner and new claims have been added that define the invention more distinctly.

Briefly, the present invention pertains to an apparatus and method that generates digital sound clips from streamed or prerecorded multimedia programs. These digital sound clips are then transferred to a digital audio device such as a portable audio device with a solid state memory.

The Examiner has rejected the claims as being obvious over Inoue alone or in combination with Kostreski. The Applicant respectfully traverses these rejections. Inoue discloses a TV receiver that receives multimedia programs and processes the same so that they can played and selectively stored. However, Inoue does not disclose or even appreciate that it is useful to separate from a multimedia program the audio portion and process this audio portion into a digital audio signal that is compatible with a digital audio device used to reproduce and play digital audio signals. Kostreski is only cited for disclosing a device with broadband network capability.

In addition, as disclosed in the present application, often multimedia programs include multichannel sound components. Multichannel sounds are not readily playable by many digital audio players, such as the portable digital audio players. That is why, according to one aspect of the present invention, the multichannel sound components must be folded into a stereo signal.

In addition, digital audio players are adapted to play digital audio files that have been compressed using a known compression standard such MPEG or ATRAC. Therefore, according to another aspect of the invention, a digital output signal is generated that is compressed, for example, using one of the mentioned standards.

The independent claims have been amended to clarify that the output signal is a digital signal suitable for playing or reproduction by a digital audio device. None of the prior art references disclose a device generating this kind of output.

In addition, the dependent claims recite additional features that are likewise not found in the prior art. For example, claims 8-10, 13-16 and 20 and new claims 21-23 recite that the output signal is a compressed digital signal. Claims 7, 14, 20 recite that a multichannel signal is folded. The prior art does not disclose this feature.

It is respectfully submitted that the subject application is patentably distinguishable over the prior art of record and therefore it should be allowed.

Although no fee is deemed required, authorization is hereby given to charge the amount of any such fee to the Deposit Account No. 07-1730, Docket No. 3464/031. A duplicate copy of this Communication is attached for that purpose.

Respectfully submitted,

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